

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

## **ORDER**

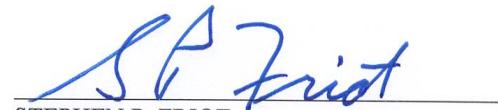
On October 6, 2016, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation, recommending that (1) defendant Priest's motion for summary judgment be granted based on plaintiff's failure to establish the requisite personal participation; (2) defendants Doyle, Fitzwater, Burkes' motion for summary judgment be granted based upon qualified immunity; and (3) judgment issue in favor of defendants and against plaintiff. Magistrate Judge Purcell advised the parties of their respective right to file an objection to the Supplemental Report and Recommendation by October 26, 2016. He further advised that the failure to timely object to the Supplemental Report and Recommendation waives appellate review of the recommended ruling.

No party has filed an objection to Supplemental Report and Recommendation within the time prescribed by Magistrate Judge Purcell. With no objection being filed, the court accepts, adopts and affirms the Supplemental Report and Recommendation in its entirety.

Accordingly, the Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell (doc. no. 62) is **ACCEPTED, ADOPTED**

and **AFFIRMED**. The motion for summary judgment (doc. no. 60) of defendant, Jason Priest, is **GRANTED** based on plaintiff's failure to establish the requisite personal participation. The motion for summary judgment (doc. no. 60) of defendants, Austin Burkes, Dustin Fitzwater and Tim Doyle, is **GRANTED** based upon qualified immunity. Judgment shall issue forthwith.

DATED November 9, 2016.



---

STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

15-0828p003.wpd